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G-000-710.5

**NOTICE OF VIOLATION
U.S. DOE - FERNALD
OH6 890 008 976**

06/20/90

**USEPA/DOE-FMPC
2
LETTER**



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
230 SOUTH DEARBORN ST.
CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF

5HR-12

JUN 20 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Bobby J. Davis
U.S. Department of Energy
Feed Materials Production Center
P.O. Box 398705
Cincinnati, Ohio 45239-8705

Re: Notice of Violation
U.S. DOE - Fernald
OH6 890 008 976

Dear Mr. Davis:

On May 22, 1990, the United States Environmental Protection Agency (U.S. EPA) sent a notice to the United States Department of Energy (U.S. DOE) that procedures of Section XXVIII of the 1990 Consent Agreement for gaining access to private properties were not being followed. Upon failure to meet the deadlines imposed by the agreement, U.S. DOE committed to sending notice letters to property owners by May 1, 1990. The notice letters were not sent until May 25, 1990.

In accordance with U.S. EPA's May 22, 1990, letter, U.S. DOE was to refer the matter to the Department of Justice by May 30, 1990 because of the inability to get voluntary access within the timeframes allowed by the Consent Agreement. To date, U.S. DOE has failed to do this referral.

U.S. DOE is in violation of the 1990 Consent Agreement and is subject to stipulated penalties of Section XVII of the Agreement.

Please contact me at (312/FTS) 886-4436, or have your legal counsel contact Peggy Andrews at (312/FTS) 886-6827, if there are any questions regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Catherine A. McCord".

Catherine A. McCord
Remedial Project Manager

cc: Joe LaGrone, U.S. DOE - ORO
Bruce Boswell, Westinghouse
Maury Walsh, OEPA - CO
Graham Mitchell, OEPA - SWDO

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